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PART IV

Section 2-A

BILLS, SELECT COMMITTEE REPORTS, IF ANY, THEREON AND ACTS AND ORDINANCES OF MYSORE.

NOTIFICATION.

No. L.D. 312—Legis. 25-51-1, Bangalore, dated the 14th May 1951.

Ordered that the accompanying Mysore Live-stock Improvement Act, 1951 which received the assent of His Highness the Maharaja, on the 30th day of April 1951, be published as Act No. XIX of 1951, in the *Mysore Gazette*, for general information.

1951

MYSORE ACT No. XIX OF 1951.

THE MYSORE LIVESTOCK IMPROVEMENT ACT, 1951

ARRANGEMENT OF SECTIONS.

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MYSORE ACT No. XIX OF 1951.

THE MYSORE LIVESTOCK IMPROVEMENT ACT, 1951.

(Received the assent of His Highness the Maharaja of Mysore on the 30th day of April 1951).

An Act to provide for the improvement of livestock in the State of Mysore.

WHEREAS it is expedient to provide for the improvement of livestock in the State of Mysore ;

It is hereby enacted as follows :—

Short title, extent and commencement.

1. (1) This Act may be called the Mysore Livestock Improvement Act, 1951.

(2) It extends to the whole of the State of Mysore.

(3) This section shall come into force at once, and the State Government may, from time to time, by notification in the *Mysore Gazette*, apply all or any of the remaining provisions of this Act to the whole or any portion of the State from such date and for such period, if any, as may be specified in the notification, and may cancel or modify any such notification.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,

(*a*) "Director" means the officer appointed by the State Government as the Director of Animal Husbandry Services in Mysore and includes any other person on whom the powers or duties of the Director under this Act have been conferred or imposed under section 3 ;

(*b*) "license" means a license granted under section 4 ;

(*c*) "licensing officer" means the Director or any other officer or person authorised to grant licenses under section 4 ;

(*d*) "prescribed" means prescribed by rules made under this Act ;

(*e*) a person is said to "keep a bull" if he owns the bull or has the bull in his possession or custody ; and

(*f*) a bull is said to be "castrated" if it is rendered incapable of propagating its species.

Conferment of powers or duties of the Director.

3. The State Government may, by general or special order, confer or impose on any person all or any of the powers or duties of the Director under this Act.

Bulls which have attained a certain age to be licensed.

4. (1) No person shall keep a bull which has attained the age corresponding to the eruption of the two central incisor teeth for the purpose of serving cows except under and in accordance with the terms, conditions and restrictions of a license granted under this section.

Explanation.—Where a person keeps more than one bull he shall obtain a separate license in respect of each bull.

(2) Every license under this section shall be granted by the Director or any officer or person not below the rank of Veterinary Inspector authorised by him by general or special order. It shall be in such form, for such period, and subject to such terms, conditions and restrictions as may be prescribed. No fee shall be charged for the grant of the license.

Refusal and revocation of licenses.

5. (1) Subject to such rules as may be prescribed, the licensing officer may refuse to grant or may revoke a license in respect of any bull if in his opinion the bull appears to be—

(*a*) of defective or inferior conformation and consequently likely to beget defective or inferior progeny, or

(*b*) suffering from an incurable, contagious or infectious disease or from any other disease rendering the bull unsuitable for breeding purposes, or

(*c*) of a breed which is undesirable to propagate in the district or part of the district in which it is kept.

(2) The licensing officer may also revoke a license granted in respect of any bull kept within his jurisdiction (whether such license was granted by himself or by any other officer) if in his opinion—

(*a*) the license was granted under circumstances of which the licensing officer was not aware at the time of granting the license; or

(*b*) there has been a breach of any of the terms, conditions or restrictions of the license.

(3) If a license is revoked under this section, the officer revoking the license shall give notice thereof to the person keeping the bull or to the person stated in the

license to be the owner of the bull. The notice shall set out the grounds for the revocation.

(4) Where the officer or person refusing to grant or revoking a license under sub-clause (1) or sub-clause (2) is not the Director, an appeal shall lie against such order to the Director.

(5) No person shall be entitled to any compensation for the refusal or revocation of any license under this section.

Surrender of license.

6. A license granted in respect of a bull shall be surrendered without delay to the licensing officer, if,

(*a*) the period specified in the license expires, or

(*b*) the license is revoked under this Act, or

(*c*) the bull dies or is certified by the prescribed officer to have been effectively castrated by a method and in a manner approved by the Director.

Grant of duplicate license.

7. If the licensing officer is satisfied that the license granted under section 4 has been lost or destroyed, such officer may, subject to such conditions and payment of such fees, as may be prescribed, issue to the holder of the license a duplicate thereof, and all the provisions of this Act with respect to the license so lost or destroyed shall apply to the duplicate as if it were the original license.

Inspection of bulls.

8. The licensing officer may by order require any person keeping a bull to submit it for inspection by himself or by any officer or person deputed by him for the purpose, at any reasonable time, at the place where the bull is kept for the time being and thereupon it shall be the duty of the person keeping the bull to submit it for inspection accordingly, and render all seasonable assistance in connection with such inspection to the officer concerned.

Power to order castration of bulls.

9. (1) The licensing officer may, by order, require any person keeping a bull required to be licensed under Section 4 and in respect of which no license is for the time being in force under this Act, to have it effectively castrated, within three months from the date of service of the order.

(2) Such castration shall be performed or caused to be performed by the licensing officer free of charge, unless the owner or other person keeping the bull desires to make his own arrangements for complying with the order.

Production of license.

10. It shall be the duty of any person who for the time being keeps a bull in respect of which a license has been obtained and is in force, to produce such license :

(*a*) within a reasonable time, at any place where the bull is for the time being, on demand made by a licensing officer or any officer of the Animal Husbandry Department not below the rank of Veterinary Inspector, or

(*b*) before a cow is served by the bull, on demand made by the person in charge of the cow.

Penalties.

11. Whoever—

(*a*) keeps a bull, in contravention of the provisions of this Act or of any rule or order made thereunder or of any terms, conditions or restrictions of a license ; or

(*b*) neglects or fails to submit a bull for inspection when required to do so under section 8, or

(*c*) neglects or fails to comply with an order served under section 9; or

(*d*) neglects or fails to produce a license when required to do so under section 11,

shall be punishable with fine which may extend to fifty rupees and in case of a second or any subsequent offence, with fine which may extend to one hundred rupees.

Power of licensing officer to castrate bulls.

12. (1) If a person who keeps a bull neglects or fails to have it castrated when required to do so under section 9, the licensing officer may direct that the bull shall be castrated by a method and in a manner approved by the Director and marked with a prescribed mark, in the prescribed manner, free of charge.

(2) (*a*) If it is not known in whose ownership, possession or custody a bull is for the time being, and the fact cannot be ascertained after an enquiry in the prescribed

manner, the licensing officer may seize the bull or cause it to be seized, and if he is of opinion that the bull has attained the age specified in section 4 and is unsuitable for breeding purposes on any of the grounds specified in sub-section (1) of section 5, may direct that the bull be castrated by a method and in a manner approved by the Director and marked with a prescribed mark in the prescribed manner, free of charge.

(*b*) Every bull seized under clause (*a*) shall, after it has been castrated and marked as aforesaid where necessary, be sold by public auction or sent to a pinjrapole or infirmary, recognised by the State Government in this behalf.

(*c*) In case the owner of any bull seized under clause (*a*) appears before the licensing officer within such time as may be prescribed in this behalf and proves to the satisfaction of such officer that the bull is owned by him :

(i) in case the bull has been sold by public auction, the proceeds of such sale shall be paid to the owner after deducting therefrom the costs, charges and expenses incurred for the maintenance and sale of the bull ; and

(ii) in any other case, the bull shall be delivered to the owner on payment of the costs, charges and expenses incurred for its maintenance.

(*d*) The costs, charges and expenses referred to in sub-clauses (i) and (ii) of clause (*c*) shall be determined in the prescribed manner.

Power of licensing officer, etc., to inspect or mark bulls and to enter premises.

13. For the purposes of this Act, a licensing officer or any officer or person authorised by him in this behalf shall have power at all reasonable times,

(*a*) to inspect any bull ;

(*b*) to mark any bull with a prescribed mark in the prescribed manner ; and

(*c*) subject to such conditions and restrictions, if any, as may be prescribed, to enter any premises or other place where he has reason to believe that a bull is kept.

Duty of officers to report offences.

14. It shall be the duty of all village officers and servants and of all officers of the Animal Husbandry, Agricultural and Revenue Departments :

(*a*) to give immediate information to the nearest licensing officer, of the commission of any offence, punishable under this Act which may come to their knowledge ;

(*b*) to take all reasonable measures in their power to prevent the commission of any such offence which they may know or have reason to believe is about or likely to be committed ; and

(*c*) to assist any licensing officer in carrying out the provisions of this Act.

Cognizance of offences.

15. No Magistrate shall take cognizance of any offence under this Act except upon a complaint made by a licensing officer or any person authorised by such officer in this behalf.

Officers to be public servants.

16. The Director, every licensing officer, all officers and persons authorised by the Director or licensing officer under this Act, and all village officers and servants shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (XLV of 1860).

Bar of certain proceedings.

17. (1) No suit, prosecution or other proceeding shall lie against any officer or servant of the State Government for any act done or purporting to be done under this Act without the previous sanction of the State Government.

(2) No officer or servant of the State Government shall be liable in respect of any such act in any civil or criminal proceeding if the act was done in good faith in the course of the execution of duties or the discharge of functions imposed by or under this Act.

Limitation for certain suits and prosecutions.

18. No suit shall be instituted against the State Government and no suit, prosecution or other proceeding shall be instituted against any officer or servant of the State Government in respect of any act done or purporting to be done under this Act, unless the suit, prosecution or other proceeding is instituted within six months from the date of the act complained of.

19. The State Government may, at any time, either *suo moto* or on application, call for and examine the record of any order passed by, or any proceedings recorded by any officer or person under this Act, for the purpose of satisfying themselves as to the legality or propriety of such order or as to the regularity of such proceedings, and may pass such orders in reference thereto as they think fit. **Revision.**

Nothing contained in this section shall apply to the orders or proceedings of any Court or Magistrate.

20. (1) The State Government may make rules to carry out the purposes of this Act. **Power to make rules.**

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(*a*) all matters expressly required or allowed by this Act to be prescribed ;

(*b*) the circumstances in which duplicates of licenses may be granted, the fees which may be charged for the grant of such duplicates, and the conditions, restrictions and limitations subject to which they may be granted ;

(*c*) the powers to be exercised and the duties to be performed by officers appointed under this Act, and the procedure of such officers ; and

(*d*) the service of notices and orders issued under this Act.

(3) In making a rule under sub-section (1) or sub-section (2), the State Government may provide that a person guilty of a breach thereof shall be punishable with fine which may extend to fifty rupees.

(4) The power to make rules conferred by this section shall be subject to the condition of the rules being made after previous publication.

(5) All rules made under this section shall be published in the *Mysore Gazette* and upon such publication shall have effect as if enacted in this Act.

21. (1) Save as provided in sub-section (2), nothing contained in this Act shall apply to a bull dedicated in good faith to a religious purpose in accordance with any religious usage or custom, provided that notice of the dedication is given in the prescribed manner to the licensing officer.

(2) If the licensing officer is of opinion that any such bull as is referred to in sub-section (1) is of the description set out in sub-clause (*a*), or sub-clause (*b*) or sub-clause (*c*) of sub-section (1) of section 5, he may cause such bull to be effectively castrated by a method and in a manner approved by the Director or cause such bull to be removed to a prescribed place.

By Order of His Highness the Maharaja,

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.